

Remarks

I. Status of the Application

Claims 39-59 are pending in the application. Claims 39, 46 and 59 are amended.

II. Interview

Applicants would like to extend their sincere thanks to the Examiner for conducting a telephonic interview on March 23, 2005. The claims were discussed in light of the most recent Office Action and the cited art. No agreement was reached.

III. Claim Rejections - 35 USC § 102(b)

A. Maloney

Claims 39-44, 46-53, 56 and 58 were rejected under 35 U.S.C. 102(b) as being allegedly anticipated by Maloney (U.S. Patent No. 5,555,299). Claims 39 and 46 have been amended and the rejection is respectfully traversed.

The invention of amended claim 39 is directed to a method for fulfilling a request for concierge services received from a caller during a directory assistance call. The information assistance service provides to callers information about providers of goods or services, such as restaurants, theatres, etc., and may assist the callers in making reservations, purchasing products, etc., with/from such providers. In one embodiment, a call is received by an information assistance provider. (Specification, p. 25, lines 21-24), during which the caller requests assistance in selecting a provider of a product or service. (P. 25, lines 21-24). For example, a frequent customer of the information assistance service may call and ask for a suggestion of an Italian restaurant in the town of "Cardiff by the Sea." (P. 25, lines 21-24). The operator accesses storage that stores information concerning the caller's previous selections of restaurants in Cardiff by the Sea (p. 28, lines 7-15), and, consulting the list of previous selections, selects a restaurant for the

caller. The telephone number of the selected restaurant is retrieved from a database, such as a database of directory assistance information stored on a server (p. 28, lines 15-22), and the caller is connected thereto. (P. 37, lines 11-15). The directory assistance service remains connected to the call, and after the caller's communication with the provider ends, the caller may press a predetermined key on the telephone to be automatically reconnected to the directory assistance provider. (P. 38, lines 14-38).

In accordance with the embodiment described above, amended claim 39 requires "receiving, by a directory assistance system, a call from a caller using a communications device, the call including a current request for a suggestion of a third party provider of a product or service desired by the caller, the third party provider being independent of the directory assistance system." Amended claim 39 also requires "retrieving, from storage, data concerning the manner in which one or more prior requests by the caller to the system were handled" and "utilizing at least the retrieved data concerning the manner in which one or more prior requests were handled to select a third party product or service provider in response to the current request." Amended claim 39 further requires "searching a database for connection information concerning the selected third party product or service provider," "facilitating a communication between the caller and the selected third party product or service provider based on the connection information," and "storing, in the storage, data concerning the manner in which the current request is handled." Amended claim 39 also has been amended to require "after the caller communicates with the selected third party product or service provider, allowing the caller to return to the directory assistance system without terminating the call, automatically, in response to a predetermined signal received from the caller's communications device." As described on page 38 of the specification, such a signal may be generated by selecting the "*" key on the caller's telephone, for example, which will cause a call to be automatically returned to an operator at the directory assistance system.

It should be noted that certain amendments to claim 39 merely repeat existing

limitations of the claim in other limitations to make explicit what was inherent those other limitations, and therefore do not further limit scope of the limitations. For example, the language “concerning the manner in which one or more prior requests were handled,” which was already present in the claim (in the “retrieving” limitation), was added as well to the limitation “utilizing at least the retrieved data concerning the manner in which one or more prior requests were handled to select a third party product or service provider in response to the current request.” Since the “retrieved data” in the “utilizing” limitation is the same data as that retrieved in the “retrieving limitation,” the scope of the “utilizing” limitation is not narrowed.

Maloney discloses a telephone order placement system for transferring calls between a plurality of divisions within a company. (Col. 2, lines 35-38). In the example provided, a caller calls a first division within a company’s private network and informs a first operator that he/she wishes to make two purchases - a first purchase from the company’s apparel division, and a second purchase from the company’s foods division. (Col. 9, lines 1-5). When the call is received at the company’s first division, a voice component and a data component are generated and are associated with the call by a unique identifier. (Col. 9, lines 46-54). The first operator assists the caller in making the first purchase. When the caller is transferred to the foods division within the company’s network, the voice component and the data component are separately transmitted to a second call center associated with the foods division, and reassembled to enable a second operator to continue the call. (Col. 9, lines 55-67). The second operator reviews the information in the voice and data components, and sees that the caller wishes to make a second purchase from the foods division. (Col. 10, lines 5-7). The operator then assists the caller in completing the second purchase.

Maloney does not teach or suggest “utilizing at least the retrieved data concerning the manner in which one or more prior requests were handled to select a third party product or service provider in response to the current request,” as required by amended

claim 39. First, nowhere in Maloney is any retrieved data concerning “prior requests” used to “select” anything. At best, Maloney discloses displaying a customer’s “record screen” containing retrieved information about the caller, such as the caller’s name and address. However, even if, as the Examiner suggests, the caller’s address information is construed as an address to which a previous order were delivered, Maloney does not teach or suggest that the operator “utilizes” the caller’s address information “to select a third party product or service provider in response to the current request,” as required by amended claim 39.

In addition, Maloney fails to teach or suggest “facilitating a communication between the caller and the selected third party product or service provider,” as required by amended claim 39. As discussed above, Maloney discloses only transferring a caller from one division to another division *within a company’s own network*. Specifically, the caller in Maloney first speaks with the “T.I.C. Direct apparel sales” division. (Col. 9, lines 9-10). Subsequently, based on the caller’s expressed desire to purchase a foods product, software at the apparels division identifies the “T.I.C. foods products division” and transfers the caller to that division. (Col. 9, line 56). Transferring a caller from one of a company’s divisions to another of the same company’s divisions in no way constitutes “facilitating a communication between the caller and the selected third party product or service provider based on the connection information,” as claimed. [emphasis added]

Furthermore, Maloney does not teach or suggest “after the caller communicates with the selected third party product or service provider, allowing the caller to return to the directory assistance system without terminating the call, automatically in response to a predetermined signal received from the caller’s communications device,” as required by amended claim 39. While the Office Action suggests that this limitation reads on Maloney’s disclosure of a caller’s being transferred from the T.I.C. company’s apparel division to the company’s foods division, the applicants disagree. As explained above, the caller never “communicates with the selected third party product or service provider”

because the T.I.C. Company's foods division is not a "third party" provider. Consequently, this limitation cannot be applied in any logical manner within the context of the Maloney reference. Even if, for the sake of argument, the T.I.C. foods division were to be construed as the claimed "third party" provider, the events disclosed in Maloney still do not read on this limitation. While the limitation requires that a caller be connected from the directory assistance system (X) to a third party provider (Y) and then back to the directory assistance system (X), the caller in Maloney's disclosure is transferred from the T.I.C. apparels division (A) to the T.I.C. foods division (B), but never returns to the apparels division (A).

Equally important, the caller is never transferred from one T.I.C. division to another "automatically, in response to a predetermined signal received from the caller's communications device," as required by amended claim 39. In Maloney, the caller is transferred from the apparels division to the foods division only in response to the caller's verbal request to a customer service representative at the T.I.C. Company. Accordingly, amended claim 39, together with its dependent claims (40-45 and 55-56), are patentable over Maloney. The dependent claims also contain patentable limitations.

Amended independent claim 46 has several limitations that are similar to those of amended claim 39. Specifically, amended claim 46 requires "retrieving, from the directory assistance system, data concerning one or more prior requests by the caller to the system" and "utilizing at least the retrieved data concerning one or more prior requests to select a third party product or service provider not associated with the directory assistance system in response to the current request." As discussed above, Maloney does not teach or suggest these limitations. Therefore, amended claim 46, together with its dependent claims (47-53 and 57-58) are patentable over Maloney. The dependent claims also contain patentable limitations.

B. Anderson

Claims 39 and 46 were rejected under 35 U.S.C. 102(b) as being allegedly

anticipated by Anderson (U.S. Patent 5,757,904). Claims 39 and 46 have been amended and the rejection is respectfully traversed.

Anderson discloses a method and apparatus for presenting information to a call center agent in a context-sensitive manner (Abstract). In a disclosed example, a call is received by an agent in a call center from a customer (“Mr. Allen”) who previously made several airline reservations with the assistance of another agent (the “original agent”). The customer now wishes to change his reservation(s). (Col. 4, lines 43-66). The system retrieves information pertaining to the customer’s previous call and determines that the call should be handled by the original agent. (Col. 5, lines 16-20). The system accordingly transfers the call to the original agent. (Col. 5, lines 30-41).

1. Claim 39

Nowhere does Anderson teach or suggest “retrieving, from storage, data concerning the manner in which one or more prior requests by the caller to the system were handled,” “utilizing at least the retrieved data concerning the manner in which one or more prior requests were handled to select a third party product or service provider in response to the current request,” and “facilitating a communication between the caller and the selected third party product or service provider based on the connection information,” as required by amended claim 39. First, the original “agent” and the second “agent” in Anderson’s disclosed example are both clearly associated with the “call center” and neither can be construed as a “third party product or service provider not associated with the directory assistance system.” Thus, transferring a caller from one agent to another constitutes neither selecting a “third party product or service provider” nor “facilitating a communication between the caller and the selected third party product or service provider,” as required by amended claim 39.

Second, the communications described in Anderson between the “agent” and any selected airline company also do not satisfy these limitations. Anderson discloses merely an agent examining information about a caller’s existing airline reservation in response to

the caller's request to change the reservation. The agent assists the caller to make a new reservation for a later time. Even if the selected airline is interpreted to be the claimed "third party product or service provider," Anderson fails to teach or suggest facilitating a communication between the caller and the selected airline, as required by amended claim 39. Instead, "agent Doe" changes Mr. Allen's reservation. (Col. 6, lines 5-10). At no time does the agent connect Mr. Allen himself to the selected airline.

In addition, Anderson fails to teach or suggest "after the caller communicates with the selected third party product or service provider, allowing the caller to return to the directory assistance system without terminating the call, automatically in response to a predetermined signal received from the caller's communications device," as required by claim 39. Since the caller in Anderson never actually communicates with the "selected third party product or service provider," the caller cannot logically "return to the directory assistance system without terminating the call." In any case, the caller certainly does not "return" anywhere "automatically in response to a predetermined signal received from the caller's communications device," as claimed. Accordingly, amended claim 39 is patentable over Anderson.

2. Claim 46

Claim 46 was also rejected under 35 U.S.C. 102(b) as being allegedly anticipated by Anderson. Claim 46 has been amended and the rejection is respectfully traversed.

In a second example referred to by the Office Action, Anderson discloses a system for managing calls received by a company. When a call is received from a frequent caller, the caller's record containing the caller's connection history is retrieved. (Col. 8, lines 52-65). The present status of an employee with whom the caller has spoken most recently is displayed to a receptionist. (Col. 8, lines 66-67), and the receptionist informs the caller, for example, that the particular employee, whose name is "Sheila," is busy. (Col. 9, lines 4-8). When the caller then requests an employee having a desired skill or knowledge, the receptionist searches for such an employee and automatically connects the

caller thereto. (Col. 9, lines 4-29).

In this cited example, Anderson fails to teach or suggest “retrieving, from the directory assistance system, data concerning one or more prior requests by the caller to the system” and “utilizing at least the retrieved data concerning one or more prior requests to select a third party product or service provider not associated with the directory assistance system in response to the current request,” as required by amended claim 46. In accordance with the cited example, only the caller’s connection history with persons within the company is retrieved and displayed to the receptionist. The receptionist then uses such information to attempt to connect the caller to “Sheila.” At no time does the receptionist use the caller’s connection information to select “a third party product or service provider not associated with the directory assistance system,” as claimed.

Anderson also fails to teach or suggest assigning an agent who communicates with the product or service provider, as required by claim 46. For example, Anderson does not disclose assigning an agent who communicates with Sheila. In fact, in the example provided, Sheila is busy and cannot communicate with the caller. (Col. 9, lines 4-7). Moreover, there is no disclosure that the receptionist or anyone else communicates with Sheila, either. It should be noted that even when an employee is available, the receptionist does not communicate with the employee because the receptionist simply causes incoming calls to be “automatically transferred.” (Col. 9, lines 25-28).

Similarly, the subsequent example, in which the caller asks to be connected to an employee having a desired skill, does not provide any teaching or suggestion of the combination of features listed above. In this instance, the receptionist’s identification of an employee having the skill specified by the caller is not based on “data concerning one or more prior requests by the caller,” as required by claim 46. Nor does the identification of an employee constitute selecting “a third party product or service provider not associated with the directory assistance system.” In this example also, there is no

disclosure of assigning an agent who communicates with the product or service provider. Again, the caller is automatically transferred to the identified employee; no “agent” is ever assigned to communicate with the employee. Accordingly, claim 46 is also patentable over Anderson.

IV. Claim Rejections under 35 U.S.C. 103(a)

Claims 45 and 54 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Maloney in view of Marwell (U.S. Patent No. 6,404,884). Claims 45 and 54 depend from amended claims 39 and 46, respectively. For reasons set forth above, claims 39 and 46 are patentable over the cited art; therefore amended claims 45 and 54 are also patentable over the cited art. Claims 45 and 54 also recite patentable limitations.

Claims 55, 57 and 59 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Maloney. Claims 55 and 57 depend from amended claims 39 and 46, respectively. For the reasons set forth above, claims 39 and 46 are patentable over Maloney. Therefore, claims 55 and 57 are also patentable over Maloney. Claims 55 and 57 also contain patentable limitations.

Amended independent claim 59 contains several limitations similar to those in amended claim 39. Specifically, amended claim 59 requires “retrieving, from storage, data concerning the manner in which one or more prior requests by the caller to the system were handled” and “identifying a third party provider of a product or service that is not associated with the directory assistance system and is located in the geographical region, based at least on the data concerning prior requests contained in the record.” As discussed above, Maloney does not teach or suggest these limitations.

In addition, Maloney fails to teach or suggest “identifying a geographical region based on the record,” as required by amended claim 59. While the caller in Maloney is transferred from the T.I.C. Company apparels division to the company’s foods division, at no point does a customer service representative (or the computer software handling the

call signals) affirmatively “identify” the geographical region of the foods division. The geographic location of the division is irrelevant in Maloney. Merely transferring a call from one division to another division does not constitute “identifying” the region of the second division. Telephone calls are often transferred, for example by a secretary, based on a known destination area code and telephone number without the secretary ever having actual knowledge of the “geographical region” of the destination party.

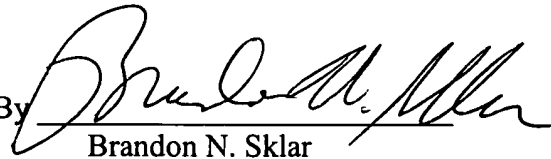
As such, amended claim 59 is also patentable over the cited art.

V. Conclusion

In view of the foregoing, each of claims 39-59, as amended, is believed to be in condition for allowance. Accordingly, consideration or reconsideration of these claims, as appropriate, is requested and allowance of the application is earnestly solicited.

Respectfully submitted,

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